

DAYLE ELIESON  
United States Attorney  
CHRISTOPHER BURTON  
Assistant United States Attorney  
Nevada Bar No. 12940  
District of Nevada  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, Nevada 89101  
(702) 388-6336  
[Christopher.Burton4@usdoj.gov](mailto:Christopher.Burton4@usdoj.gov)

*Representing the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

BENYIAHIA HEBBAR,

Defendant.

Case No. 2:16-cr-00328-JCM-GWF

**STIPULATION TO CONTINUE  
SENTENCING (FIFTH REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Christopher Burton, counsel for the United States of America, and Dustin Marcello, counsel for BENYIAHIA HEBBAR, that the sentencing currently scheduled for June 18, 2018, at 10:30 am before Judge Mahan be vacated and set to a date and time convenient to the Court but not earlier than July 20, 2018.

This Stipulation is entered into for the following reasons:

1. The Defendant is in custody and does not oppose the continuance.

2. Counsel is aware that Magistrate Judge Foley issued a Report and Recommendation granting Defendant Hebbbar's Motion to Withdraw Guilty Plea. ECF No. 93. The Government filed Objections and the Defendant filed a Responses to the Objections. ECF Nos. 101, 105. The Report and Recommendation is currently pending decision by this Court and would determine the necessity of the currently scheduled sentencing hearing.

3. The additional time requested herein is not sought for purposes of delay, or to prejudice any party but merely to counsel time to litigate issues related to the withdrawal of Defendant's guilty plea and this Court's resolution of the issue.

4. This is the fifth stipulation to continue sentencing filed herein.

DATED THIS 15th day of June, 2018

DATED THIS 15th day of June, 2018

By: /s/

By: /s/

CHRISTOPHER BURTON,  
*Assistant United States Attorney*

DUSTIN R. MARCELLO, Esq.  
PITARO & FUMO, CHTD.  
*Counsel to Benyahia Hebbbar*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

Plaintiff,

vs.

BENYIAHIA HEBBAR,

Defendant.

CASE NO.: 2:16-cr-00328-JCM-GWF

**STIPULATION TO CONTINUE  
SENTENCING (FIFTH REQUEST)**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant is in custody and does not oppose the continuance.
2. Magistrate Judge Foley issued a Report and Recommendation granting Defendant Hebbbar's Motion to Withdraw Guilty Plea. ECF No. 93. The Government filed Objections and the Defendant filed a Responses to the Objections. ECF Nos. 101, 105. The Report and Recommendation is currently pending decision by this Court and would determine the necessity of the currently scheduled sentencing hearing.
3. The additional time requested herein is not sought for purposes of delay, or to prejudice any party but merely to counsel time to litigate issues related to the withdrawal of Defendant's guilty plea and this Court's resolution of the issue.

4. This is the fifth stipulation to continue sentencing filed herein.

**CONCLUSIONS OF LAW**

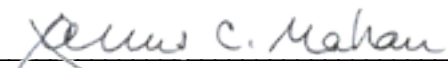
1. Denial of this request for a continuance would result in a miscarriage of justice.
2. For all the above-stated reasons, the ends of justice would best be served by a

1 continuance of the sentencing date to on or after July 20, 2018, based upon the convenience of  
2 the Court.

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5 **ORDER**

6 IT IS THEREFORE ORDERED that the SENTENCING hearing for Defendant Hebbbar  
7 is set on the **1st day of August, 2018 at 10:30 a.m.**

8  
9 DATED June 18, 2018.

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12 UNITED STATES DISTRICT JUDGE  
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